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Judicial Council of the District of Columbia Circuit  
c/o Office of the Circuit Executive  
United States Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, NW  
Washington, D.C. 20001

Re: Complaint of Judicial Misconduct Against Judge Beryl Howell

Dear Chief Judge Sri Srinivasan:

I write today to express my serious concerns about, and request an ethics investigation of, DC U.S. District Judge Beryl Howell for her highly inappropriate political speech she gave last month, at which she suggested reelecting President Trump will lead to fascism in America. As outlined in detail below, Judge Howell's partisan speech is obviously highly inappropriate election interference by a federal judge that undermines the public's trust in our courts. Moreover, the public display of the cozy personal relationships between Judge Howell and her partisan friends who appear before her undermines public trust in judicial independence, in violation of Canon 2B.<sup>1</sup>

Judge Howell, after becoming the chief judge of the D.C. District Court in 2016 before stepping down on March 17, 2023, supervised the D.C. grand jury and other legal proceedings against President Donald J. Trump, his top aides, and his supporters on January 6th. This included Judge Howell's supervision of the discredited Mueller probe that substantially interfered with the Trump presidency, along with then-Chief Judge Howell's supervision of Biden Special Counsel Jack Smith's investigations that resulted in two unprecedented and highly controversial indictments of a former President of the United States and the leading presidential candidate for 2024.

On November 27, 2023, Judge Howell and current Biden Deputy Attorney General Lisa Monaco, the Biden Justice Department official who ultimately supervises federal prosecutors across America including their January 6 cases, together received the "champion award" at the Women's White Collar Defense Association awards gala in Washington, D.C. Former Obama Attorney General Loretta Lynch, the master of ceremonies, and former Obama White House Counsel Kathy Ruemmler, introduced both Judge Howell and Monaco.

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<sup>1</sup> "A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge." Guide to Judiciary Policy, Vol. 2A, Ch. 2, Canon 2B, *available at* [https://www.uscourts.gov/sites/default/files/code\\_of\\_conduct\\_for\\_united\\_states\\_judges\\_effective\\_march\\_12\\_2019.pdf](https://www.uscourts.gov/sites/default/files/code_of_conduct_for_united_states_judges_effective_march_12_2019.pdf) (last visited Dec. 14, 2024).

Lynch lauded Ruemmler's work on Obamacare and DACA as "some of the most important policy issues of our time."<sup>2</sup> Ruemmler discussed how Judge Howell, Lynch, and former Mueller probe (of President Trump) chief deputy Andrew Weissman served together as federal prosecutors in the Eastern District of New York.<sup>3</sup> Ruemmler then discussed how Judge Howell, a former Democrat chief counsel to then-Senate Judiciary Committee Chairman Patrick Leahy (D-Vermont), became President Obama's "very first" pick to serve on the highly influential D.C. District Court:

"But I can tell you from my experience that it was extremely rare for any member of the Senate to call the President directly on any judicial nominee. But Senator Leahy called President Obama about Beryl Howell. And he told President Obama how strongly he felt that she was the perfect person to be a federal judge. And boy, was he right about that. What an incredible mark has Judge Howell made on the bench. And she has made President Obama and Senator Leahy and all of us so very proud."<sup>4</sup>

Ruemmler then discussed how she appeared before then-Chief Judge Howell when she presided over "many quite-sensitive grand jury proceedings."<sup>5</sup> Ruemmler said she is "such a huge admirer of Judge Howell, and I'm very fortunate to call her friend."<sup>6</sup>

Emphasizing they have been "very close friends for a long time" (more than 20 years), Ruemmler also helped introduce Monaco as "quite a powerful person" who "holds a very powerful position" as "the Deputy Attorney General of the United States" who supervises all the U.S. Attorneys. Ruemmler called Monaco her "best friend" and shared details about their friendship, working on their first jury trial together, serving together on the Enron probe (led by Weissman), serving together as top Obama DOJ officials and in the Obama White House, and taking an annual ladies' ski trip.<sup>7</sup>

Lynch then praised and presented both Judge Howell and Monaco with their "champion awards." Lynch specifically mentioned "the perfect storm" and "trifecta of issues" then-Chief Judge Howell "handled masterfully":

The COVID-19 pandemic that closed the world, the January 6<sup>th</sup> insurrection and the resulting caseload, and the flurry of activity spurred by the Office of Special Counsel. All landing in front of her at the same time. [Lynch waited for applause.] Colleagues and counsel alike all speak almost reverently of how she steered the courthouse

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<sup>2</sup> 2023 WWCD Awards Gala ["Gala"], at 127:31-129:55, available at <https://www.youtube.com/watch?v=sNDnJWh1gzE> (last visited Dec. 14, 2023).

<sup>3</sup> *Id.*, at 132:46-133:30.

<sup>4</sup> *Id.*, at 134:09-134:56.

<sup>5</sup> *Id.*, at 134:56-135:40.

<sup>6</sup> *Id.*, at 135:40-135:46.

<sup>7</sup> Ruemmler said Monaco becomes a "complete and total softy" around Ruemmler's dog "Girdy"—and Monaco texts "Where's my Girdy?" "at least once a week." Ruemmler publicly shared texts with her mother about Monaco's recent visit with Ruemmler (and Girdy) in New York City. *Id.*, at 135:48-138:49.

through that trifecta of issues with grace, with discipline, and her trademark, bone-deep commitment to bring justice to every matter before her.<sup>8</sup>

It's particularly shocking to hear the former Attorney General of the United States praise a sitting federal judge for her handling of the grand-jury proceedings on pending federal criminal charges against a defendant (President Trump), the pending criminal cases against his January 6 supporters, and even make the legal conclusion that an "insurrection" occurred on January 6—despite the fact even the over-the-top Biden Special Counsel Jack Smith never brought such charges against any January 6 defendant. It's even more shocking Judge Howell participated in this highly prejudicial public charade, not even disclaiming any of it. Canon 2B is clear: "A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge." It's hard to imagine how these criminal defendants can expect a fair trial, when one of the key federal judges received a "champion award" from partisan opponents while cases are pending before her court.

Lynch, Ruemmler, Monaco (the senior DOJ official prosecuting January 6 cases), and Judge Howell (overseeing January 6 cases) even huddled and wrapped their arms around each other on stage, to applause and with dramatic music playing, as Judge Howell received her "champion award." They repeated this after Monaco received hers.



Judge Howell began her prepared remarks by calling former Obama Attorney General Loretta Lynch and Acting Attorney General Sally Yates the "pantheon of other champion awardees" and "living heroes in the law." She told the current Biden Deputy Attorney General it was an "honor to share the stage tonight with Lisa Monaco"; "having watched your career over the years, I've been in awe of how you remain a model of calm and grace when carrying enormous responsibility for the safety of so many—not just in your current job but in your prior national-security role. Thank you for all of your service to the country and for being an unshakable force for justice." Judge Howell called Lynch and Weissman (among others) her "dear friends."<sup>9</sup>

And Judge Howell's 16 minutes of substantive remarks had little to do with women representing white-collar criminal defendants—and they were hardly apolitical, let alone politically neutral.<sup>10</sup> According to *Politico*, "[a]s the federal court in Washington that Judge Beryl Howell once oversaw prepares for a historic trial of former President Donald Trump on

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<sup>8</sup> *Id.*, at 142:40-143:45.

<sup>9</sup> *Id.*, at 145:10-146:56.

<sup>10</sup> *Id.*, at 147:10-153:15.

charges of attempting to fraudulently overturn the results of the 2020 election,” Judge Howell “used a rare public speech Tuesday to lament that many of those convicted for their actions on Jan. 6 fell under the sway of falsehoods.”<sup>11</sup>

And the purpose of Judge Howell’s speech was not lost on anyone, including *Politico*: “The judge who spearheaded the judiciary’s response to the storming of the Capitol on Jan. 6, 2021, blamed that event on ‘big lies’ and warned that the country is in danger of turning toward authoritarianism.”<sup>12</sup>

*Politico* continued its reporting of Judge Howell’s “rare public speech”:

‘My D.C. judicial colleagues and I regularly see the impact of big lies at the sentencing of hundreds, hundreds of individuals who have been convicted for offense conduct on Jan. 6, 2021, when they disrupted the certification of the 2020 presidential election at the U.S. Capitol,’ said Howell, an appointee of President Barack Obama.

Howell, who served as chief judge of the District Court from 2016 until March and remains on the bench there, also suggested that the dangers evident on the day of the Capitol riot have not passed — in part because some Americans have become unmoored from facts.

‘We are having a very surprising and downright troubling moment in this country when the very importance of facts is dismissed, or ignored,’ Howell told the annual gala of the Women’s White Collar Defense Association at a downtown hotel. ‘That’s very risky business for all of us in our democracy. ... The facts matter.’

Howell did not refer by name to Trump, who is currently the overwhelming favorite to win the Republican presidential nomination next year. She also made no mention of his trial set to open March 4 before one of her colleagues, Judge Tanya Chutkan.

However, Howell approvingly quoted Boston College historian Heather Cox Richardson’s claim in her new book that the U.S. ‘is at a crossroads teetering on the brink of authoritarianism.’ The judge also quoted and echoed Richardson’s warning that ‘Big lies are springboards for authoritarians.’<sup>13</sup>

Judge Howell’s fuller quote is this:

This historian Heather Cox Richardson, whose book I’ve been reading . . . cautions in her book’s opening line . . . “America is at a crossroads teetering on the brink of authoritarianism” and she echoes this thought in her closing line, that we are at a time of testing and how it comes out . . . is in our own hands.

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<sup>11</sup> Gerstein, Josh. “Judge key to Jan. 6 cases warns US faces ‘authoritarian’ threat.” *Politico*. Nov. 8, 2023, available at <https://www.politico.com/news/2023/11/28/jan-6-authoritarian-threat-democracy-00129013> (last visited Dec. 14, 2023).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

Judge Howell remarked that much of the audience may have already read the “best-selling” book, which Judge Howell promoted by name, and that the book has “historical facts” to “set the record straight.”<sup>14</sup>

If one reads the book, they would know it is an anti-Trump, anti-Republican Party screed. Throughout the book, Richardson attacks Republicans for “flooding the media system with propaganda,” attacks President Trump’s judicial nominees as “extremist,” accuses President Trump of trying to “rig” the election, and says that President Trump pushed “an authoritarian agenda.”<sup>15</sup>

Judge Howell’s speech is plainly inappropriate, consisting of partisan statements, election interference, and improper extrajudicial statements while criminal cases are pending—all barred by Canon 2B. Judge Howell promoted the Democrat political campaign theme that the re-election of Donald Trump equates to America choosing authoritarianism. This is conduct unbecoming of a federal judge.

These comments, sadly, are not surprising given Judge Howell’s background. Howell is a former top appointee to a former partisan Democrat Senate Judiciary chairman. While on the bench, Judge Howell promoted a conspiracy theory Twitter wanted to “cozy up” to President Donald Trump,<sup>16</sup> approved Jack Smith’s stunningly broad search warrant hunting down American citizens who interacted with President Trump’s tweets,<sup>17</sup> and pretended President Trump might “flee from prosecution” (despite 24/7/365 Secret Service detail) in ordering Twitter not to routinely alert Trump.<sup>18</sup>

Partisans cannot use our judicial system to exact political revenge against those with whom they disagree. The consequences for our legal system, Constitution, and country would be devastating. I urge you to investigate Judge Howell’s partisan speech—obviously highly inappropriate election interference by a federal judge that undermines the public’s trust in our courts—for violating Canon 2B.

Sincerely,



Elise Stefanik

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<sup>14</sup> Gala, at 148:28-149:40.

<sup>15</sup> Richardson, Heather Cox. Democracy Awakening: Notes on the State of America. © 2023: WH Allen, an imprint of Ebury Publishing, 2023.

<sup>16</sup> Vanian, Jonathan. “Federal Judge Asks If Elon Musk Was Trying to ‘Cozy up’ to Trump during Criminal Probe,” CNBC, Aug. 16, 2023, *available at* <https://www.cnbc.com/2023/08/16/judge-in-trump-case-asks-if-elon-musk-tried-to-cozy-up-to-ex-president.html> (last visited Dec. 14, 2023)

<sup>17</sup> Deese, Kaelen. “Did Jack Smith’s Search Warrant Sweep Twitter Data from Millions of People?” The Washington Examiner, Nov. 30, 2023, *available at* <https://www.washingtonexaminer.com/policy/courts/did-jack-smiths-search-warrant-sweep-twitter-data-from-millions-americans> (last visited Dec. 14, 2023).

<sup>18</sup> Klasfeld, Adam & Darren Samuelsohn. “Federal Judge Found ‘Reason to Believe’ Trump Would ‘Flee from Prosecution,’” The Messenger, Aug. 9, 2023, *available at* <https://themessenger.com/politics/trump-flight-risk-federal-judge-ruling-indictments> (last visited Dec. 14, 2023)